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8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 HILDA L. SOLIS, Secretary of Labor,) Case No.: CV12-0116 JW
13 United States Department of Labor,)
14)
Plaintiff,)
15)
vs.)
16)
SEAFOOD PEDDLER OF SAN)
17 RAFAEL, INC., dba SEAFOOD)
PEDDLER, a corporation; ALPHONSE)
18 SILVESTRI, an individual, RICHARD)
MAYFIELD, an individual, and FIDEL)
19 CHACON, an individual,)
20 Defendants.)
21)
22)
23)
24)
25)
26)
27)
28)

29 **STIPULATION RESCHEDULING DEADLINES SET FORTH IN THE COURT'S**
30 **SCHEDULING ORDER DATED APRIL 18, 2012**

1 The parties hereto, by and through their respective counsel, hereby stipulate and agree as
2 follows:

3 1. The parties agree to continue the dates set forth in the Court's Scheduling Order
4 dated April 18, 2012 (the "Scheduling Order"), as set forth hereinafter.

5 2. The parties agree to continue the discovery cut-off in this matter from December
6 17, 2012 to February 17, 2013, and to continue all other dates in the Scheduling Order that are
7 associated with the discovery cut-off.

8 3. The parties agree that this request for continuance is necessary due to the
9 respective schedules of counsel, and the numerous calendar conflicts, including trials, vacations
10 and other matters, which have and will delay completion of discovery in this matter. The parties
11 anticipate that there may be as many as 40 depositions (most of which relate to non-party
12 witnesses) in this matter (agreed to by the parties in the initial disclosure statements) which will be
13 delayed for various reasons. For instance, Plaintiff's counsel has been unavailable due to a trial in
14 June and July, 2012, and continues to be unavailable at other times through the end of the year due
15 to trials in unrelated matters and vacation. Defendant's counsel will be unavailable for several
16 weeks in October due to vacation. The various calendar conflicts has prevented the parties from
17 scheduling depositions for several months and will continue to cause delays during the latter part
18 of the year when counsel has additional trials set. Additionally, a significant discovery dispute has
19 arisen pertaining to the production of Plaintiff's documents which has caused further delay of the
20 deposition process.

21 4. In reliance upon Plaintiff's counsel's representation that additional counsel from
22 the Office of the Solicitor will be available to appear for non-party depositions, the Parties agree
23 that a two month extension will allow them to complete discovery in this case in accordance with
24 the proposed revised schedule set forth hereinafter. However, the Parties agree that unforeseen
25 delays may impede the completion of discovery within the proposed revised schedule, and that
26 neither party waives the right to request additional time to complete discovery based on
27 unforeseen events.
28

5. Failure to obtain the continuances set forth herein will prevent the parties from completing discovery essential for the preparation for trial, or in the alternative, will force the parties to schedule and complete discovery on dates when opposing counsel may not be available.

6. Therefore, the parties jointly request that the Court approve the following revised schedule, which reflects a two month extension of time:

Close of All Discovery	February 17, 2013
Last Date for Hearing Dispositive Motions (60 days after the Close of All Discovery)	April 18, 2013
Preliminary Pretrial Conference (30 days before the Close of All Discovery)	January 18, 2013
Preliminary Pretrial Conference Statements (Due 10 days before Conference)	January 8, 2013
Disclosure of Expert Witnesses (63 Days before Close of All Discovery)	December 16, 2012
Disclosure of Rebuttal Expert Witnesses (49 Days before Close of All Discovery)	December 30, 2012
Last Date for Hearing on Motion to Exclude Expert or Expert's testimony (42 Days after both Expert and Rebuttal Expert Disclosures on a Monday)	February 11, 2013

7. The parties agree that all other portions of the Scheduling Order not affected by this scheduling request shall remain as set forth in the Scheduling Order. Plaintiff authorizes Defendants to file this Stipulation with the Court and seek the Order from this Court to implement it.

AGREED:

BENJAMIN, WEILL & MAZER
A Professional Corporation

Dated: July ____, 2012

Marc S. Mazer
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SEAFOOD PEDDLER OF SAN RAFAEL, INC. dba
SEAFOOD PEDDLER

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LAW OFFICES OF MATTANIAH EYTAN

Dated: July _____, 2012

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR

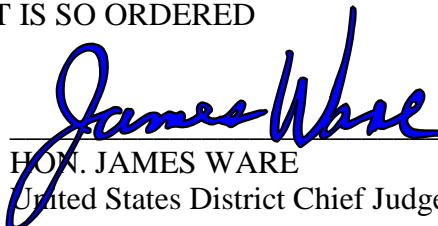
Dated: July _____, 2012

Leon Pasker
Attorneys for Plaintiff

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: August 7, 2012



HON. JAMES WARE
United States District Chief Judge